

It is the position of the Office that Restriction **Groups I-II** lack unity of invention and do not relate to a single inventive concept because there is no common special technical feature between the two Restriction Groups which defines a contribution over the prior art. The Office states that the instantly claimed composition comprising an antioxidant agent and a mixed PPAR ligand cannot be considered a special technical feature because Hayward, et al. (US Published Application No. 2002/0169192) disclose PPAR compounds useful in treating various conditions, including obesity, and that the reference further discloses that the disclosed PPAR compounds may be used in combination with a second compound which may be an antioxidant.

The Applicants respectfully submit that the Hayward, et al. reference does not disclose a composition comprising an antioxidant agent and a mixed PPAR ligand, nor does this reference disclose a composition comprising an antioxidant agent and a PPAR α ligand and a PPAR γ ligand. Therefore, the instant composition comprising an antioxidant agent and a mixed PPAR ligand or a PPAR α ligand and a PPAR γ ligand is the special technical feature which defines a contribution over the prior art. Based on this common technical feature, the Applicants respectfully submit that unity of invention exists. Thus, the Applicants **traverse** the Office conclusion that the application pertains to a plurality of patentably distinct inventions. Absent contradictory evidence that those skilled in the art would find the instant invention to consist of multiple inventions, it is submitted that the Office Requirement is not substantiated.

Nonetheless, in an effort to advance the prosecution of the instant application, and in the absence of success in traversing the Restriction Requirement, the Applicants elect **with traverse** to prosecute the invention of **Group I**, (Claims 26-32), drawn to compositions, of the Restriction Requirement.

Moreover, in accordance with PCT Rule 13.2, the Applicants also respectfully request that the Examiner include at least one method of treatment claim from

Group II for simultaneous prosecution with the substance claims of **Group I**. The Applicants hereby designate the claim to treatment of *obesity* for such examination.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.